THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION NO.21186 OF 2006

Dated: 03-04-2007

Between:

M/s CS Software Enterprise Limited …Petitioner

And

The Commercial Tax Officer
And two others …Respondents

THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION NO.21186 OF 2006

O R D E R *(Per the Hon'ble Sri Justice Bilal Nazki):*

Appeal filed by the petitioner is pending before the second respondent. The third respondent rejected the application for stay and this writ petition has been filed challenging the order of the third respondent rejecting the application for stay, pending appeal. This Court passed an interim order on 13-10-2006 granting stay. A vacate stay petition has been filed to vacate the order dated 13-10-2006.

We have heard learned counsel for the parties. We feel that the interest of justice would be met if the petitioner is directed to deposit half of the disputed tax, subject to outcome of the appeal, within a period of six weeks from today.

Accordingly, we allow this writ petition and direct the petitioner to deposit half of the disputed tax, within a period of six weeks from today, subject to outcome of the appeal. The amounts already paid by the petitioner towards the disputed tax shall be given credit to while calculating the 50% amount. The interim order passed by this Court on 13-10-2006 shall remain operative till the appeal is decided. No order as to costs.

(Bilal Nazki,J)

Dated 3rd April, 2007

(Nooty Ramamohana Rao,J)

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